REPORT SUMMARY

OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION

Date of Consideration: **September 10, 2015** **TIME: 10:00 a.m.**

File Number: **B66/15**

Applicant: **DRS Developments Ltd.**

Subject Lands: TOWNSHIP OF PUSLINCH – Part Lot 31, Concession 7

Proposal is a request for consent to convey fee simple for a proposed severance 87m fr x 55m = 0.48 hectares (1.19 acres) in the TOWNSHIP OF PUSLINCH – Part Lot 31, Concession 7, existing agricultural use for proposed rural residential use; retained lands are 37.4 hectares (92.4 acres).

ISSUES: neighbour concern

SUMMARY of FILED REPORTS and COMMENTS:

Township of Puslinch – in support of application; conforms to zoning; conditions to apply

County Planning - notice cards were posted at time of site visit; application is consistent with Provincial Policy and generally conforms to Official Plan – no concerns;

Conservation Authority (Conservation Halton & Hamilton Conservation)
No objections to application; Species at Risk – bobolink eastern meadowlark and barn swallow were observed using the site during breeding season - condition

MNRF – It would appear from air-photo review that suitable habitat (e.g. cultural meadow) for Bobolink and Eastern Meadowlark may be on the proposed severed and retained lots; birds are listed as threatened under the Endangered Species Act and they receive individual and general habitat protection under the Act.

Others (e.g. neighbours) – Mike & Bernice Thurlow (18 Settlers Crt. Morriston ON N0B 2C0) – letter of concern – question building type proposed and size of access; **request notification of consideration and decision**

PROPOSED CONDITIONS of APPROVAL

1) THAT the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
2) THAT the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document including the Form 2 Certificate for Consent B66/15.
3) THAT the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review and issuance of the Certificate of Consent for the severed parcel.
4) THAT the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor **shall provide a full print of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.
5) THAT the Owner receive approval from the Township of Puslinch in a manner deemed acceptable to that road authority for an entrance to the severed and retained parcel; and further that the Township of Puslinch file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.
6) THAT the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (included but not limited to Taxes paid in full) which the Township of Puslinch may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
7) THAT the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
8) THAT the Applicant demonstrate that the severed lot is not a habitat for Threatened Species (Bobolink, Eastern Meadowlark, barn swallow) or receive the necessary development approvals from Ministry of Natural Resources and Forestry to the satisfaction of the County of Wellington Planning Department ; and further that the County of Wellington Planning Department file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition

*****Conditions may be deleted, added to, or changed at meeting*****

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph, ON N1H 3T9

August 27, 2015

NOTICE OF CONSIDERATION IN PUBLIC FORUM

Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations

with respect to Application for consent,

File B66/15

APPLICANT

DRS Developments Ltd.
7468 Gore Road
RR#3
Guelph ON N0B 2K0

LOCATION OF SUBJECT LANDS:

TOWNSHIP OF PUSLINCH
Part Lot 31
Concession 7

Proposed severance is 87m fr x 55m = 0.48 hectares (Part 1 on sketch), existing agricultural use for proposed rural residential use.

Retained parcel is 37.4 hectares with 603m frontage, existing and proposed agricultural use with existing house. (Part 2 on sketch)

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, September 10, 2015**

AT 10:00 a.m. for the purpose of considering this matter.

CONSIDERATION WILL BE HELD IN THE: 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

NOTICE is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR SHOULD ATTEND THIS CONSIDERATION.** Any person may be represented by counsel who has been duly authorized for that purpose.

Even if the owner/applicant does not attend, the Committee will consider the application as scheduled, and the applicant, except as otherwise provided in the Planning Act, will not be entitled to any further notice in the Proceedings.

Please also be advised that if a person or public body that filed an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

Additional Information regarding the application is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office - 74 Woolwich St. Guelph ON N1H 3T9

Phone - (519) 837-2600 x2170 Fax – (519) 837-3875

To view comments for this application on our website www.wellington.ca follow these steps:

- **Government**
- **Council and Standing Committees**
- **Land Division Committee**
- **choose month & year in drop down menus**
- **Choose Land Division Committee in the drop down menu**
- **open appropriate agenda**

TO: **Agent – Rob Stovel**
Other: Mike & Bernice Thurlow (18 Settlers Crt. Morriston ON N0B 2C0)

RECEIVED

AUG 19 2015

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

MUNICIPALITY COMMENTING FORM

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

FILE NO: B66/15

APPLICANT

DRS Developments Ltd.
7468 Gore Road
RR#3
Guelph ON N0B 2K0

LOCATION OF SUBJECT LANDS

TOWNSHIP OF PUSLINCH
Part Lot 31
Concession 7

Proposed severance is 87m fr x 55m = 0.48 hectares (Part 1 on sketch), existing agricultural use for proposed rural residential use.

Retained parcel is 37.4 hectares with 603m frontage, existing and proposed agricultural use with existing house. (Part 2 on sketch)

RECEIVED

JUL 14 2015

Township of Puslinch

2301·000·005·12200

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER:

Does this description reasonably describe the parcel holdings? YES(✓) NO( )

If answer is no, please provide new information: _____

Do you consider this proposal to conform to your Official Plan? YES( ) NO( )

What Section(s) does it conform to or contravene? (Please specify) County to confirm

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES [✓] NO [ ]

(Please Specify) Section 5.3(e) - Agricultural - reduced lot requirements - meets minimum size

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES [✓] NO [ ]

(Please Specify) Section 5.3(a-d) Agricultural & Natural Environment - meets minimum lot requirements

If Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-Law to permit the proposal to conform? YES( ) NO( ) N/A(✓) or **Minor Variance** YES( ) NO( ) N/A(✓)

Is proposal on an opened maintained year-round public road YES(✓) NO( )
If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road ?

Please specify _____

Is the Proposed Lot(s) serviced now by Municipal Water YES( ) NO(✓)

Is the Retained Lot serviced now by Municipal Water YES( ) NO(✓)

Is the Proposed Lot(s) serviced now by Municipal Sewers YES( ) NO(✓)

Is the Retained Lot serviced now by Municipal Sewers YES( ) NO(✓)

Is there a **Capital Works Project** underway to service these lots in the near future YES( ) NO(✓)

Approximate Time of Servicing Availability: _____

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

N.A.

Continued to Page 2

MUNICIPALITY COMMENTING FORM

FILE NO: B66/15

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?
YES [✓] NO [ ]

Is there any further information that may assist the Planning and Land Division Committee?
[A letter may be attached if there is insufficient space to explain]

No

Is the Municipality in support of this application? **YES(✓) NO( )**

What Conditions, if any, are requested by the Municipality if the Consent is granted?

1. The Township requires payment of Parkland Dedication Fee, for the parcel to be severed prior to final consent approval
2. An Entrance Permit, verifying safe access/entrance, is required from the Township of Puslinch prior to final consent approval
3. Confirmation of up-to-date taxes is required prior to final consent approval.

Does the Municipality request a Notice of the Decision? YES(✓) NO( )

SIGNATURE Kelly Patzer K. Patzer

TITLE: Development Coordinator

ADDRESS: 7404 Wellington Rd. 34 Guelph, ON N1H 6H9

DATE: August 19, 2015

Planning and Development Department | County of Wellington
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

RECEIVED
JUL 30 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Application	B66/15
Location	Part Lot 31, Concession 7 TOWNSHIP OF PUSLINCH
Applicant/Owner	DRS Developments Ltd.

PLANNING OPINION: This application would sever a 0.5 ha (1.2 ac) vacant rural residential lot in a Secondary Agricultural area. A 37.41 ha (92.4 ac) parcel would be retained with an existing dwelling.

This application is consistent with Provincial Policy and would generally conform to the Official Plan. We would have no concerns, provided that servicing can be accommodated to the satisfaction of the Township and that as a condition of approval safe driveway access can be provided to the satisfaction of the Township.

PLACES TO GROW: No issues.

PROVINCIAL POLICY STATEMENT (PPS): With respect to Minimum Distance Separation 1 (MDS1) there are no livestock facilities identified on the Survey Sketch within 500 m of the proposed lot.

GREENBELT PLAN: The proposed severed lot is within the Protected Countryside of the Plan. Lands to the west are within the Natural Heritage System.

WELLINGTON COUNTY OFFICIAL PLAN: The subject property is designated SECONDARY AGRICULTURAL, CORE GREENLANDS and RESIDENTIAL (Morriston). The Core Greenlands designation appears to be well removed from the new lot.

A proposed major roadway (Highway 6 by-pass) generally follows the western limit of the retained parcel. These roadways will be protected from development proposals which would undermine the ability to construct the roadway, increase the cost of acquiring land or constructing the roadway or impair the future functioning of the roadway.

According to Section 10.4.4, one new residential lot may be allowed from a parcel of land within the Secondary Agricultural designation, which existed on March 1, 2005, subject to the following criteria:

a) The lot generally meets a 0.4 ha minimum lot size and is not larger than needed to accommodate the intended residential use, consisting of the dwelling, accessory buildings and uses, and individual sewage and water services, while taking into account site constraints such as grading, sightlines, natural heritage features, hazardous lands, and Minimum Distance Separation requirements;
b) The accessory buildings referred to in a) above may include a hobby barn, subject to local regulations;
c) The lot has access to an open public road;
d) The residential use will not hinder or preclude the present use or future potential for agricultural or mineral aggregate operations;
e) The residential use is compatible with surrounding development;
f) The use is well removed from any settlement boundary;
g) The lands have been owned by the applicant for at least five years.

With respect to alternate lot locations, we are satisfied that the current configuration represents the most appropriate location given the overall policies of the Plan. No new lots have been created on the parcel since March 1, 2005 and the lands have been owned by the applicant for over five years.

We note that the proposed lot is within 1 km of the Morriston Urban Centre. In terms of the Urban Area Protection Policies, section 4.7.1 states that "this policy does not apply to prevent..... development of a minor nature which does not impede the efficient expansion of this urban area". We have no concerns in this regard.

The matters under Section 10.1.3 were also considered including b) "that all lots can be adequately serviced with water, sewage....." and d) "that all lots will have safe driveway access to an all-season maintained public road". We note that the proposed entrance is beside a stop sign. Comments of the Township should be considered in this regard.

LOCAL ZONING BY-LAW: The subject property is zoned Agricultural (A), Natural Environment (NE) and Hamlet Residential (HR). Both lots would meet the applicable lot area and frontage requirements.

SITE VISIT INFORMATION: The subject property was visited and photographed on July 23, 2015. Notice Cards were **not** posted and the survey sketch appears to meet the application requirements.

OTHER INFORMATION: A portion of the retained lands within the Morriston Urban Centre is subject to a draft plan of subdivision (23T-10004) which is under review. The severed lands are not part of the subdivision.

Sarah Wilhelm, MCIP, RPP, Senior Planner
July 30, 2015

Conservation Halton

905.336.1158
Fax: 905.336.7014
2596 Britannia Road West
Burlington, Ontario L7P 0G3
conservationhalton.ca

Protecting the Natural Environment from Lake to Escarpment

July 24, 2013

Deborah Turchet
County of Wellington Planning and Land Division Committee
Wellington County Administration Centre
74 Woolwhich Street,
Guelph ON N1H 3T9

RECEIVED
AUG - 5 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Dear Ms. Turchet:

Re: 66 Queen Street
Puslinch Township
Part Lot 31, Concession 7
Consent Application: B66/15
DRA Developments Ltd. (Applicant)

Staff of Conservation Halton has reviewed the above-noted application as per the following checklist, which includes: Conservation Halton's regulatory responsibility; the Memorandum of Understanding (MOU) between the Ministry of Natural Resources, the Ministry of Municipal Affairs and Conservation Authorities with respect to providing the provincial interest comments related to natural hazards; and, the MOU between the County of Wellington and Conservation Halton. **The following comments relate strictly to this specific application. Additional items not marked as "applicable" may apply to future applications**:

	Applicable
Conservation Halton Regulation	☒
MNR/MMAH/CA MOU	
PPS - Natural Hazards	☒
CA/Wellington County MOU	
Lakes and Rivers Impacts	☐
Top of Bank Erosion Limits	☒
Groundwater Recharge/Discharge	☐
Crown Land	☐
Shorelines	☐
Flood Plain and Flood Hazards	☒
Woodlands	☐
ANSI	☐
Wildlife Habitat	☒
Wetlands	☒
Endangered and Threatened Species	☒
Fish Habitat	☐
Stormwater Management	☐
Other	☐

Ministry of Natural Resources and Forestry

Ministère des Richesses naturelles et des Forêts

Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Telephone: (519) 826-4955
Facsimile: (519) 826-4929

Ontario

RECEIVED
AUG 2 1 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

August 20, 2015

Jana Poechman, Land Division Clerk
Planning and Development Department
County of Wellington
74 Woolwich Street, Guelph
Ontario, N1H 3T9

Re: DRS Developments Ltd. Consent Application (File No: B66-15) – Part Lot 31, Concession 7, on Attached Severance Sketch – Township of Puslinch, County of Wellington – MNRF Comments.

Hi Jana,

The Ministry of Natural Resources and Forestry (MNRF) Guelph District Office can confirm receipt of the DRS Developments Ltd. application for consent (File No: B66/15). County Planning Staff have requested that the MNRF review the application for any species at risk information that may be relevant for the subject property. The MNRF has had an opportunity to review the species information and records for the area, and can offer the following technical comments for consideration.

It is understood that the proposed consent will create a new 0.48 ha lot, and retain a 37.4 ha lot. The application notes that the severed lot contains an existing agricultural use, and is proposed for rural residential use. It is also understood that the purpose of the retained lot is for existing and proposed agricultural uses, with an existing dwelling.

MNRF Comments

The Ministry notes that there are no 'known' species at risk records for the subject property. However, because the province has not been surveyed comprehensively for the presence of listed species, the absence of a record is not an appropriate indicator for the absence of species at risk from an area. It would appear from air-photo review that suitable habitat (e.g. cultural meadow) for Bobolink and Eastern Meadowlark may be on the proposed severed and retained lots. Bobolink and Eastern Meadowlark are listed as threatened under the *Endangered Species Act* (ESA), and they receive individual and general habitat protection under the Act.

Please be advised that the creation of a new lot (consent application) under the *Planning Act* would not require an authorization under the ESA. Any development or activities however, that would be permitted through the creation of a new lot (e.g. new single detached dwelling) may require an authorization under the Act if it would kill, harm, or harass a listed species, or damage or destroy protected habitat.

If suitable habitat for Bobolink and Eastern Meadowlark is present, and may be impacted by development within the proposed severed lot, the MNRF recommends that a survey be completed to confirm presence or absence of the species. This survey would help to inform the potential implications of the ESA.

Both Bobolink and Eastern Meadowlark are included under Section 23.6 of Ontario Regulation 242/08. Under Section 23.6, certain activities may be allowed that would impact these species, provided the requirements of the regulation are followed. It is also recommended that the regulation be reviewed and implemented by the landowner as appropriate if occupied habitat for these species may be impacted.

It is also recommended that the landowner be made aware that the ESA is dynamic legislation, which is updated periodically. The ESA may be amended as a result of species assessment and re-assessment, which can change the level of protection for species' and their habitats. More information about the ESA can be accessed on this webpage: http://www.ontario.ca/environment-and-energy/how-get-endangered-species-act-permit-or-authorization.

The Ministry hopes that the above technical comments on the ESA are of assistance. It may also be appropriate to provide these comments to the applicant for their review. MNRF staff can provide recommended survey protocols for Bobolink and Eastern Meadowlark on request.

If further comment or clarification is required please contact the undersigned.

Regards,

TMcKenna

Tara McKenna, District Planner
Ministry of Natural Resources, Guelph District
1 Stone Road West
Guelph, ON, N1G 4Y2
Phone: (519) 826-4912

cc: Melinda Thompson, MNRF
Dave Marriott, MNRF
Mark Van Patter, County of Wellington

Mike and Bernice Thurlow
18 Settlers Crt
Morriston, ON
N0B 2C0

RECEIVED
AUG 10 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

July 26, 2015

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich St
Guelph, ON
N1H 3T9

RE: FILE NO. B66/15 - NOTICE OF AN APPLICATION FOR CONSENT - Township of Puslinch, Part Lot 31, Concession 7

As requested, please consider the following comments in response to the application submitted by DRS Developments Ltd to sever and re-zone a portion of land that is located near our home.

The proposed application depicts an area approximately 1.18 Ac in size (87m x 55m) that the applicant wishes to sever and repurpose from agricultural land to rural residential land. It is assumed that this application is for the purpose of obtaining approval to build a single family "rural estate" home on the subject land, however, this is not clear as the application does not provide any details with regard to the proposed building type, size, location, etc.

There is also limited information within the application regarding the "proposed entrance" noted on the included sketch as it is not clear if this is intended to be a single driveway for individual residential access or a new road, possibly including a restructuring of the existing 3-way intersection at this location into a full 4-way intersection.

Without these details, we do not currently have sufficient information to properly assess this application and are thus **not** able to provide our consent at this time.

In addition to the information requested above, we have the following potential concerns that could impact our ability to provide consent depending on how the applicant proposes to develop this land:

- Official Plan – When we purchased our home, it was with the understanding that the subject land would remain in its current state as an agricultural use area as documented in the town's official plan. This application includes a proposed change to the zoning/use of the subject land that is not consistent with the official plan.

- Views – Further to the official plan, the current use of this land as an agricultural area provides a very picturesque view of open rural fields and rolling hills for both my family and the rest of our local community. The construction of obstructive buildings in an otherwise natural setting would have a negative impact to the visual enjoyment of our community for our current residents as well as visitors to the area that come here for tourism/recreational purposes.
- Public Interest – Depending on how the applicant proposes to develop this land, there is a potential that property values for homes in our community could be impacted, especially if the proposed development is not consistent with the existing character of our community or is executed in manner that is not desirable from a planning and public interest perspective.
- Privacy – As recognized in other similar decisions of this nature, there is the potential for privacy issues associated with the applicant's proposed development of this land with respect to areas of our home and property that are currently considered as private family areas. In the event that this application is ultimately approved, consideration will be requested for this matter as part of any future design/development plans including, but not limited to, the retention of several mature trees along the North side of the subject land.
- Wildlife – The subject land is currently home to a variety of wildlife including numerous species of birds, deer, small animals and multiple recent sightings of snapping turtles (considered as a species at risk in Ontario).

As this application has the potential to directly impact my family and our neighbours, I hereby request that we be notified when there are any changes to its status or any new information becomes available regarding this proposed development.

Yours sincerely,

Mike Thurlow